

FILED

OCT 28 2014

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DUANE A. SINGLETON,

Plaintiff,

v.

VOLUNTEERS OF AMERICA, et al.,

Defendants.

No. C 12-5399 LHK (PR)

ORDER DISMISSING PAROLE
AGENT GEIGER

Plaintiff, proceeding *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. On November 4, 2013, the court granted defendants' motion to dismiss for failure to state a claim. On November 25, 2013, plaintiff filed an amended complaint. On April 9, 2014, the court dismissed claims against defendants Volunteers of America and Kevin Williams because even after being given an opportunity to correct the deficiency, plaintiff failed to sufficiently allege that either defendant was a person acting under color of state law. That same day, the court also directed plaintiff to provide more information regarding the location of the remaining defendant, Parole Agent Geiger. In that order, the court instructed plaintiff to provide sufficient information to effectuate service upon, or otherwise face dismissal of, Parole Agent Geiger. *See* Fed. R. Civ. P. 4(m).

Plaintiff filed a response on April 30, 2014, indicating that he was unable to obtain a forwarding address for Parole Agent Geiger, who had since retired. On June 30, 2014, the court

1 sua sponte granted an extension of time for plaintiff to provide the location of Parole Agent
2 Geiger, and, as a matter of courtesy, requested the Litigation Coordinator at the Regional Parole
3 Office to provide a forwarding address for Parole Agent Geiger.

4 Since April 30, 2014, no further information has been provided regarding the location of
5 Parole Agent Geiger for the purpose of attempting service upon him. Accordingly, the claims
6 against Parole Agent Geiger are DISMISSED without prejudice. *See Walker v. Sumner*, 14 F.3d
7 1415, 1421-22 (9th Cir. 1994) (holding prisoner failed to show cause why prison official should
8 not be dismissed under Rule 4(m) where prisoner failed to show he had provided Marshal with
9 sufficient information to effectuate service).

10 Because no more defendants remain in this lawsuit, the Clerk shall terminate all pending
11 motions, enter judgment, and close the case.

12 IT IS SO ORDERED.

13 DATED: 10/24/14
14

Lucy H. Koh
LUCY H. KOH
United States District Judge